A

FAITHFUL REPORT

OF A

GENUINE DEBATE

Concerning the

LIBERTY of the PRESS,

Addreſſed to a CANDIDATE at the enſuing ELECTION.



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Addreſſed to

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WHEREIN

A ſure and ſafe METHOD is propoſed of reſtraining the *Abuſe* of that LIBERTY, without the leaſt *Encroachment* upon the *Rights* and *Privileges* of the SUBJECT.

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SIR,

AS this is the Seaſon wherein *Engliſhmen* are permitted to ſpeak for themſelves, I hope to be excuſed in telling you plainly, that I can return no poſitive Anſwer to your *Requeſt* of my *Vote* and *Intereſt*; till I am a little better acquainted with your Sentiments, with reſpect to the Publick. You are pleaſed to recommend yourſelf under the Character of having been always *zealous for the Country*; but if you had thought fit to add, *and for the King too*, I ſhould have been better ſatisfied; becauſe, I conceive, their Intereſt is

one, and their Fate (at leaſt for the preſent) inſeparable. You moreover aſſume a particular Merit in being in the *Oppoſition*: But to tell you the Truth, I always ſuſpect an Oppoſition that is both violent and general; and am apt to doubt, there is as little Sincerity in finding fault with *every thing*, as in objecting to *nothing*. In ſpeaking thus I would not be underſtood to arraign any thing that has been offered, or argued in a *Houſe* that is judge of the Behaviour as well as Privileges of its own *Members*; but ſtill I muſt ſay, I have often ſtood amazed at the Inſolence *without Doors*, at the unexampled Rudeneſs and Indecency with which every Thing and Perſon moſt honourable, or moſt ſacred have been lately handled; handled by Fellows of no Name, no Authority, Figure or Intereſt in their Country!

Is it poſſible for an *Engliſhman* of any Spirit, to behold his Sovereign, his Protector, his political Father talk'd of in a Style that no Gentleman of Virtue or Breeding would uſe towards his Enemies? Can you read with a Smile, a Smile of Approbation, the deteſtable Ribaldry of a Gang of Vagrants, eſcaped, or driven out of the Bogs of *Ireland*, or the *High-lands* of *Scotland*; Vagrants without Lot, Stake, or Portion in the Common-wealth, without any other Inheritance than a Two-penny Standiſh? Who yet ſtart up, and take upon them to be Cenſors

ſors and Judges, to criticiſe in quotidian Libels on the Meaſures of the Government, to deride their Counſels and condemn their Proceedings, together with the moſt ſaucy Affronts and Inſults to their Authority, and Perſons? On the other Side, could any thing but ocular Demonſtration make a Man believe, that a Body of Law-makers, who have the leaſt Notion of Honour or Subordination, can patiently ſuffer the *Eſtabliſhments* of their Fathers (as well as their own) to be ſet up for a Mark of Scoffing and Ridicule; that they can be ſo indolent, or ſo abject as tamely to permit the Religion they profeſs, the Worſhip they attend, the Goſpel by which they ſwear, to be made the Sport of Fools? Is it poſſible that Men, Gentlemen, Senators can be reduced to ſuch a Pitch of Inſenſibility, as not to animadvert on thoſe notorious Enemies to God and Man; who, without the leaſt Pretence of *Conſcience*, or even the Excuſe of any worldly Intereſt, make it their Buſineſs to ſet looſe the Vulgar from the Ties of Religion, to rip up the very Foundations of Truth, Juſtice, Peace, Allegiance, and even Common Honeſty? Strange muſt be the Infatuation that can render Perſons of Education, and Quality ſo deaf to the Admonitions of their Honour, and their Country, ſo eaſy and ſecure in the midſt of Danger, ſo ſleepy in a Storm! But is there not ſomething of more power-

ful Influence than Sleep or Slothfulneſs, that has turn'd away your Eyes from the portentous Proſpect? Has not the Spirit of Bitterneſs and Contention pre-ingaged and poſſeſt the Hearts of *Britons*; ſo prepoſſeſt 'em as to leave no Room for Peace, Charity, and calm Reflection; to ſtop every Avenue againſt the *Mandates of right Reaſon*, and the publick Welfare.

But it is time for us, if our Watchmen are deficient, to make the Alarm, and to beſtir ourſelves. A ſpeedy and effectual Remedy of theſe Evils is the Subject of our Wiſhes, and what we are reſolved to make the *Condition of our Votes*. We doubt not your Abilities, if you would pleaſe but to give yourſelves Leiſure and Reflection. If you would but ſuffer your Paſſions to cool, your Judgments would clear up, and you would eaſily diſcern the Ways and Means to ſtop, or divert the approaching Deluge. If this cannot be, we muſt look to ourſelves; and the leaſt we can do, is to ſtipulate the *Terms* on which we again aſſign over our Freedom; and I hope we may be allow'd ſo far to profit by the new prevailing *Faſhion*, as to make a Reſolution to give our *Inſtructions* before we give our Votes.

However, as my Talent is better ſuited to tranſcribe the Obſervations of others, than to advance any thing material of my own, I ſhall here preſent you with a *faithful Report*

port of a ſerious Debate on Subjects of this Nature, that lately happen'd in my own hearing.

I was invited to take a ſolemn Pipe with three ſelect Friends of Senſe and Virtue, good Neighbours and chearful Companions, varying in Forms but agreeing in Subſtance, too much alike to admit of Quarrels, yet too different to prevent all Diſputes. They were unanimous in their Fidelity to their King and Country; but it ſometimes happened that they were divided in Opinion about the *Means* of promoting the Publick Good.

The firſt (whom I ſhall diſtinguiſh by the Name of *Conſtantius*) had been very often (by Adverſaries chiefly) reckon'd in the Number of Tories or High-churchmen. He was by Conſtitution ſincere, generous and good-natur'd, tho' a little apt to be haſty and Poſitive. *Zeal* ſeemed to be his prevailing paſſion; his Expreſſions generally ran high enough in the Defence of Monarchy and Epiſcopacy; he could hardly admit that Religion, or Government could be perfectly adminiſtred under any other *Form*, and was ready to look on *Diſſenters* and *Republicans* as a Sort of Rebels. However, he was always firm to the *Revolution*, contented with *Toleration*, fond of the *Proteſtant Succeſſion*; and as he thought it his Duty to ſtand faſt for the Royal Prerogative, and the Dignity

of

of the Church in the Days of Queen *Anne*, ſo he often declares he cannot diſcover the leaſt ſolid Reaſon for an Alteration either of Principles or Behaviour, under his preſent Majeſty.

He has no other Attachment to Miniſters of State but for the Sake of their Maſters, and though he is not forward to affirm of our preſent Court that they are free from every Error in Politicks; yet he looks upon it as no leſs than Sedition, for ordinary Subjects to take upon them to cenſure and revile their Acts and Meaſures; and holds it to be a Symptom of Weakneſs, or of Conſciouſneſs, that ſuch Incendiaries are indulged to publiſh their lewd Invectives with Impunity.

The *ſecond* is one of theſe veteran Whigs, who had at Heart the *Goſpel* rather than the *Hierarchy*; who regarded the external *Forms of Religion* but as human, temporary, changeable; and who thought themſelves chiefly obliged to conform to the Diſcipline of the *Church* for the Peace of the *State*. His natural Temper is juſt and benevolent; but inclining to be phlegmatick, dry and diffident. His favourite Topicks are the Revolution, Proteſtant Succeſſion, and the native Rights of Mankind; but as for a *Republican* Form of Government, he deems it as inconſiſtent with the Circumſtances of this Nation, as *arbitrary Power* in a ſingle Perſon. He is not very forward to adore the *Perſons*

of Kings, at leaſt no farther than is neceſſary to maintain their *Dignity* and *Authority*; but he affirms his *preſent Majeſty* to be intitled to as much Affection and Reſpect as any of his Predeceſſors; becauſe his Government has been exact and regular, according to the *Settlement*, and *Conſtitution*. He looks on Favourites or *Prime Miniſters* but as Inſtruments or Deputies, neceſſary to the Eaſe, and anſwerable for the Errors of their Royal Maſters; but ſtill he argues, that Men in ſuch Employments ought not to be condemned in *general*, before they are accuſed in *Particulars*; nor that thoſe who are old and experienced ſhould be caſt off, till they can be changed for *better*. His favourite Diſtinctions are *Obedience without Slavery*, *Free-thinking without Prophaneneſs*, *Toleration without Confuſion*, *Eſtabliſhment without Perſecution*, *Piety without Oſtentation or Bigotry*; in ſhort, he is jealous and diſtruſtful of *Power* in any Hand whatſoever; and as his reigning Principle of Action is *Liberty*, *Liberty*, I ſhall here give him the Name of *Phileleutherus*.

The *third* of our Party for his Years and Experience, has the Reſpect of a *Neſtor*, and ſhall therefore paſs under that Appellation. He is a Gentleman that has out-liv'd the Heats and Paſſions of youthful Blood, and is grown wiſe by a long Obſervation and Reflection on the *Follies* of Men. The

ſtrict

ſtrict Regularity of his own Conduct is a graceful Excuſe for his want of Indulgence to the Extravagancies of his Contemporaries; and even Severity in him becomes amiable, as it ſeems rather the Effect of Judgment, than any Sourneſs of Temper. His firſt Maxim is to give both *God* and *Cæſar* their due; and a Deviation from the Laws of Society is look'd upon by him as the Crime of Treaſon. He maintains the Strength of the *Britiſh* Conſtitution to conſiſt intirely in the *Balance* of Power, and affirms that an unlawful Weight thrown into either Scale, is no leſs than Uſurpation. The *Prerogative of the Crown, and the Privileges of the People* are equally his concern; and he looks on an Encroachment on the former as a Rebellion, and the latter as an Invaſion. He teaches that a Member of a civil Society, as ſuch, has nothing of his own; but that his *Property*, his *Perſon*, and *all that he has*, is, as by Compact, depoſited as a Plenipotentiary *Truſt* in the Government he lives under, and is protected by. He perſiſts that *true Liberty* is entirely conſiſtent with Obedience, that it flouriſhes not in the *Permiſſion* but *Prevention* of Sin, and that conſequently thoſe *Nations* are moſt *happy*, who live under the ſtricteſt *legal Confinements*.

Theſe are the Gentlemen whoſe Converſation is the Contents of the following Pages: All Gentlemen of known Virtue and Integrity

grity in their Neighbourhood; Gentlemen whoſe Heads are clear of Prejudice, their Hearts of *Corruption*, and their Hands of *Gifts*; Men who had never been ſharpen'd by *Diſappointment*, ſweetned by *Preferment*, nor huſh'd or ſoftned by *flattering Expectations*.

After a Glaſs or two, and the ordinary Complements, the Diſcourſe, as uſual, began to turn upon publick Affairs. As the Diſtraction of the Times, the Degeneracy of the Age, and the imminent Danger of our political Veſſel, very naturally introduced the *Pilot* on the Tapis; ſo the firſt mention of that great *Miniſter* offer'd a ready Opportunity to *Conſtantius* to diſcover the inward Diſſatisfaction of his Mind by this ſevere Reflection.

I can never believe HE has in his Heart a juſt Regard for the Church, or for Religion, as long as ſo many impious and atheiſtical Books and Pamphlets are ſuffered with Impunity.

Your uncharitable Inference, (anſwer'd *Phileleutherus*) might be of ſome Weight, if it did not go too far; but it diſcovers its Inſufficiency to prove any thing at all, by pretending to prove more than is poſſible. For if the *Premier*'s Connivance at irreligious Writings, be an Argument to prove that he has no Regard to the Church, the ſame Connivance at ſo much Anti-miniſte-

rial Satyr and Calumny, muſt be as good an Evidence that he has no Regard to himſelf.

I am not to divine (reply'd *Conſtantius*) what private Reaſons, or Conſolations he may have for turning the deaf Ear to ſo much Scandal diſcharged at himſelf and his Friends; but as he himſelf has avowed the Poſſeſſion of the Reins, and owns himſelf accountable for the Management of them; 'tis plain he owes it both to his King, and Country to do his beſt in all Reſpects to preſerve the Eſtabliſhment, and is therefore guilty of Neglect (at leaſt) of Duty, in winking at, or overlooking Enormities that viſibly tend to its Deſtruction.

The Stability and very Being of any Government conſiſts in its *Credit* and *Reputation*; in the high Eſteem and Veneration it retains in the Breaſts of its own Subjects, and the proportionable Reſpect paid to it by Foreigners. Whoſoever therefore, from private Forges, or for private Ends, attempts to vilify the Powers that are over him, and to repreſent them as weak contemptible or ridiculous, he ought to be handled as a Traitor to the State, and Enemy to his Country; to be proſecuted as the Author of Sedition and Rebellion; as one that has undertaken to diſſolve the original Conſociation of his Country, to cancel all Obligations of Union and Submiſſion at home, and to invite Invaſion and Conqueſt from abroad.

Nor

Nor is the Crime, or Danger a Jot leſs conſiderable in a Toleration of Inſults in the religious Part of the Eſtabliſhment. I have no need in this Company, or before any Man of Senſe, to make a formal Proof, That the *Fear of God* is neceſſary to the Support of the Ordinances of Men; ſince 'tis ſo notorious that all wiſe and famous Lawgivers have ſo eſteemed, and ſo made uſe of it. As there cannot be nam'd one ſingle Society of any Note or Figure without an Eſtabliſhment of this Nature, ſo we may ſafely add that there was never any great or extraordinary Genius, but was a Friend and Defender of ſuch Eſtabliſhments; and that, on the contrary, all Objectors, Cavillers and Prophane Scoffers, have been conſtantly found among the *Petit-Maitres* and Smatterers in Learning; among the Gleaners of Shreds and Scraps of low Witticiſms; among the Retailers of Puns, and Sneers out of Ballads and Epigrams; corrupt in their Principles, diſſolute in their Lives, conceited of their Parts, and intemperate of their Tongues. But very little Art will ſerve to do Miſchief, and to fire an Edifice that could not be erected without great Skill and Induſtry. I appeal to the Experience not only of Divines, but of Moraliſts and Stateſmen; and to the univerſal Hiſtory of every Monarchy, Commonwealth, or Nation, that have made any Figure in the World; whether the Neglect and

Diſgrace of Religion have not always been the Prelude to publick Ruin; whether a Contempt of God, and his ſolemn Worſhip, has not been the chief efficient Cauſe of Depravity of Manners, and Diſſolution of Government; and conſequently, whether a *Prime Miniſter* who does not vigorouſly oppoſe ſuch outrageous Inſults can be a wiſe Stateſman, or a Friend to his Country.

I can eaſily excuſe (returned *Phileleutherus)* your Warmth and Eloquence in ſo good a Cauſe; but however I muſt admoniſh you, in the midſt of your Zeal, to remember *Moderation.* You would do well to conſider that the *Preſs* is open, as well for the Advocates as for the vain Defamers of our Faith, and Politicks; and as *Truth* and *Virtue* are always obtaining Brightneſs and Glory, the one by being examined, the other by being oppoſed; ſo whilſt the Friends of our Conſtitution have *theſe* on their Side, and ſuch ample Rewards for the defence of them, they may very well be left to their own Strength and Conduct; and ſurely they may afford, at leaſt, as much Diligence in diſtributing the Antidote, as their Adverſaries uſe in ſpreading the Poiſon.

But ſhall every one (ſays *Conſtantius*) that ſwallows the Poiſon, be fairly obliged to try the Antidote? Or is the Antidote (in the Nature of Things) ſo plauſibly to be gilded, ſo eaſy to be taken, or can it be made ſo agreeable

agreeable to the corrupt and vitiated Palates of ſenſual Perſons? For my Part, I could chearfully remit every Queſtion of this Kind to a *fair Trial*; nor have I ever met with one Clergyman of Senſe that would decline the Conteſt. But can that be eſteemed a *fair Trial*, where the Judge is corrupt and pre-engaged, or where but one Party is heard? I could venture to pawn my whole Intereſt in Religion, on this one plain demonſtrable Iſſue; and dare forfeit every thing moſt dear and valuable, if it does not appear, upon a ſtrict Scrutiny, that nine in ten of the forward Diſciples of the *Ch—n Rights*, *Ind—t Wh—g*, or *Mor—l Phil—r*, have never *read* nor *poſſeſſed*, nor ſo much as *ſeen* the Anſwers to theſe Books. Is this then an equitable Proceſs, or are we to depend on the Juſtice of a Sentence paſſed on ſuch Evidence and ſo partial a Hearing?

Every Author of any new Scheme or Syſtem of Faith, is in the Nature of an *Appellant*; as he writes againſt Doctrines receiv'd and eſtabliſh'd, he thereby actually *accuſes* the Eſtabliſhers, either of *Miſtake* or *Impoſtures*; and by making his Accuſations *publick*, he calls upon his Readers, and all the World to be *Judges* in his Cauſe. And God knows there are enough ready to undertake the Office; more than enough who are ſelf-ſufficient, but yet very fit to be challenged, either for Intereſt or for Prejudice.

For

For every *Miſer* that grudges his Tithes, or envies his *Parſon*; every *Libertine*, whoſe Life and Converſation are condemned, or expoſed by the Precepts of the Goſpel; every *Perſon*, who is conſcious of having no Intereſt in Heaven, or whoſe Intereſt it is rather that there was no ſuch *Place*; in ſhort, every *Knave* and *Hypocrite*, every *profligate Rake* and *conceited Coxcomb*, are officious to put themſelves on the *Tribunal*, where this important *Cauſe* is to receive the Deciſion.

To ſay the Truth, there are great Numbers of fine Gentlemen, who have no other way to diſplay their Parts, or to give an Oſtentation of that Learning and Penetration they would be thought to poſſeſs. It is a firſt Principle in the Schools of theſe raw Scepticks, that *implicit Faith*, and *implicit Obedience are for Children and Fools*; and what one Pretence can moſt of them make for being out of that Number, but *Contradiction* and *Blaſphemy?* Theſe require but ſmall Talents, and a very eaſy Erudition: For all that is expected to qualify an Adept in the *diabolical Science*, is to be able to bid a loud Defiance to all *Superſtition*, and to mean *Religion*; to repeat an old Joke or two upon *Crape*, and *Prieſt-Craft*; to ſcrew up a ſour and ominous Grimace at *Creeds* and *Orthodoxy*; and to pronounce of *M—g—n*, *T—l*, or *G—n*, that *they are great Men!*

It

It is altogether the ſame with the Civil Adminiſtration. For tho' Men in the *higheſt Stations* are but Men, and ſubject to the *Failings*, and *Corruptions* of Mortality; yet it ought not to be permitted to *Fellows of no Rank, Commiſſion or Authority*, publickly to cenſure them. It is impoſſible for Men, whoſe Circle of Knowledge is within a Garret or Coffee-houſe, to be acquainted with the *Grounds* of their Governors Counſels, or the *Motives* of their Actions: And if ſuch may be allowed to ſet up for *Demagogues*; at their Pleaſure, to harangue the giddy Vulgar into Sedition, to *father* all the Accidents, or Misfortunes of the Age on their Sovereign or his Councils; to perſuade the People that every Evil they feel or fear, is only the Effect of *Male-Adminiſtration*; who can wonder at the Numbers they gain over in this prodigal, diſſolute, untoward Generation; where every *wrong Head* or *perverſe Heart*; every *deſperate Spirit diſappointed in Ambition*, or *diſtreſſed in Circumſtances*; every *Coxcomb* that affects to find Fault, or fancies himſelf wiſe; every *Knave* who is obnoxious to the Laws, or intereſted in the Hopes of a general Confuſion; in ſhort, every *Creature of evil Principles* or no Principles at all, are ready for the Impreſſion?

How is it then that a *Prime Miniſter* can fairly anſwer it to his Conſcience or his Honour, that ſuch Outrages are tolerated both

Civil, and Religious? If he thinks he has an Equivalent for the Diſgrace caſt on his own Perſon; yet does he not owe it to the *Conſtitution of his Country*; to the *King* he ſerves, and the *God* whom he worſhips, vigorouſly to repreſs theſe profeſſed Enemies to Peace and Piety? Is he not obliged to put a reſolute Stop to theſe national Sins, or to partake of the Guilt?

Fair and ſoft! (reply'd *Phileleutherus*) beware of throwing yourſelf in your Paſſion, into the Error you have been cenſuring; and do not be too haſty to pronounce the Sentence before the Cauſe is heard! The *great Man*, and every *honeſt Man* in *England*, will readily grant that the Evils you complain of are grievous, formidable, and worthy of Puniſhment; but you ought to inform them of ſome *legal Method* by which they may inflict it. It is not more certain that the Rains laſt Summer ruined our Harveſt, than that ſuch infamous Writings have corrupted our Manners, and deſtroyed our Peace: But why, I pray you, is the one to be imputed to our Rulers and Magiſtrates any more than the other? To ſtill the Raging of Wind, and Water, requires no leſs than an Almighty Hand; and I fear it is hardly in any human Power to quell the Madneſs of the People, or to tame the Tongues of thoſe who excite it.

For

For let me ask the moſt zealous *Reformer* what Regimen he would preſcribe for theſe crafty Incendiaries. Would you regularly bring them into *Weſtminſter-Hall*, as the Authors of *Libels*, Movers of *Sedition*, and Diſturbers of the *Peace?* You need not be told, that in theſe Caſes the Law requires the *Indictment* to be *plain*, *direct* and *ſpecial*; and each Word and Sentence to be produced in *form*, and *Letter* to ſupport it. And can it be imagined that old Foxes will be taken in a Snare they are ſo well appriſed of, or that they will venture their Necks within the Reach of a Rope, the Length of which is their daily Contemplation? Theſe cunning Proteus's are deeply read and experienced in the Arts of Jugling and Metamorphoſis. They are always prepar'd to evade the Blow, to ſhelter their Heads, and to make their eſcape, under the falſe *Colours* of *Irony*, *Anagram*, or *Double Entendre*; ſo that inſtead of a decent Satisfaction, what a Jeſt would be made of an *Engliſh Magiſtrate*, or *Counſellor of State*, if he ſhould take it into his Head gravely to complain, and formally to apply to his own Perſon a Scandal or Invective very harmleſly dated in the Empire of *Lilliput*, or the Land of *Eutopia?*

You will find it the greateſt Difficulty in the World, with *Honour* and *Juſtice*, to lay your Hand on theſe *Sophiſts in Calumny*; ſo perfect are they in all the Tricks and Wiles

of Ambiguity, and Equivocation; in the Myſterious Art of raiſing Ideas by the Uſe of Words of a *contrary* Signification, of abuſing and vilifying by affected *Encomiums*, of ſneering Truth by Writing it in *Italicks*, of *aſſaſſinating* with a *Smile*, or *betraying* with a *Kiſs*.

It is true, there have been *Judges* and *Juries* in the Kingdom, who would have made no Scruple to ſtretch the Laws or lengthen their Arms, to lay hold on ſuch Criminals within all their Faſtneſſes: But theſe are Precedents of *Arbitrary* Practice, and of *Popiſh* Extraction; which I hope will never be repeated, or recommended, under the *Proteſtant Succeſſion*.

It has been propoſed to take another more plauſible Way with theſe *Hawkers of Iniquity*; and that is to weary them with perpetual *Proſecutions*, till they are weary of offending; to go on to expoſe them to a continual ſhameful Repetition of their *Shifts*, and *Doubles*; and, for want of other Chaſtiſement, to puniſh them with the Charge of everlaſting *Subpœnas*, *Appearances*, and *Defences*. But how far would ſuch a Project be below the *Dignity*, not to mention the *Equity* of the Proſecutors? A Proceeding ſo contemptible would look rather like *Revenge* than *Correction*; it would only ſerve to inflame the Malice, and confirm the Inſolence of Offenders, and to weaken and diſcredit the Government itſelf.

itſelf. For every Attempt of this Nature, when defeated, is a *Diſgrace* to the Undertakers; a *State Criminal is never acquitted, but his Accuſers are generally look'd upon as Guilty.*

Would you then beſtow on theſe undignified *Doctors*, the Honours of *an Impeachment?* Would you ſuſpend the Buſineſs of the Nation to give an Eclat to Scandal and contumely? No, my Friends! A ridiculous Experiment of this Nature has been already made within our Memories; but it muſt be quite forgotten, before it is repeated!

I can ſee but one Way of laying the Ax to the Root of this Miſchief; which is erecting, or reviving, an *arbitrary Court*, with full Powers to examine, interpret, expound, and apply ſuch *myſterious Jargon*, as well as to convene and puniſh the Authors, as to them ſhall ſeem moſt juſt, and conducing to the publick Utility. But even here the Remedy is in great Danger of being worſe than the Diſeaſe. For by advancing a *Power* ſo *deſpotick*, in order to ſuppreſs thoſe Murmurs or Complaints that are affected and groundleſs, we ſhall leave no Room for ſuch as are honeſt, reaſonable and neceſſary. Every thing will then be *Treaſon* or *Blaſphemy*, according to the Prejudices or Caprices of the *ſupreme Commentators*; and thus, on Pretence of putting a Stop to the Abuſe of our *Liberties*, we ſhall take away the *uſe*. For what Hand is

to be truſted with ſo exorbitant a Commiſſion, or the Nomination of the Perſons? If all is to be done under the Direction, Appointment and Influence of the *Crown*; in vain have our Fathers, to their immortal Honour! demoliſh'd the *Star-Chamber*, and *High-Commiſſion-Courts*. If the tremendous Province be aſſigned to the *Clergy*; we cannot but ſuſpect their Zeal, or their Intereſt, will carry them farther than we are willing they ſhould go; nor are we to hope for leſs than an univerſal Outcry (in a very little Time) againſt *Spiritual Dominion* and *Eccleſiaſtical Tyranny*. In ſhort, the Office is too weighty for any Mortal; for any Being that is imperfect, and fallible! It is not only inconſiſtent with the very Notion of the *Liberty of the Preſs*, but a fatal Omen to all Liberty in general. But you may reſt aſſured that nothing of this Kind will ever be admitted in a Nation of *Freemen*; a Nation ſo proud, and ſo fond of their Liberty, as to hold it dearer than Life and Fortune; ſo delighted with the very *Word*, as to crown it with their *Cups*, to inſcribe it in their *Ribbands*, *Hatbands*, and *Garters*.

Neſtor, who all this while had been ſilently attending to the Diſpute, at theſe laſt Words, laid down his Pipe, and took up the Diſcourſe.

Of what Uſe, my Friends, are Words without a Meaning? How Endleſs are Diſputes,

putes, when the Term of the Queſtion are vague and variable, dubious and equivocal, without fix'd and definite Significations or Ideas? My Neighbour *Phileleutherus* has done Juſtice to his Countrymen, and very truly obſerved their Attachment to *Liberty*, and their Fondneſs of the very *Word*. But does one in an hundred underſtand what they talk of? Have they any certain and explicit Notion annex'd to this their favourite Term; and have they not moſt commonly in their Heads ſomething very oppoſite to, and incompatible with the Thing, when they make Uſe of the Name? When we hear *Engliſhmen* eloquent in the Praiſe, or loud in the Defence of their beloved Liberty; what do they intend, but an unlimited Licence to do what *is good in their own Eyes*; to follow their Caprices, and humour their Appetites; to be drunk, or incontinent, obſcene or ſcurrilous, prophane, extravagant, or ſeditious, juſt as Luſt or Paſſion, Vanity or Revenge, Ambition or Effeminacy, ſhall preponderate in their Hearts? And will any Man tell me that ſuch an enormous Licence does not exactly tally, and coincide with *Anarchy*, and *Confuſion*, and the worſt *Slavery* in the World? For is there any Slavery equal to that, which wantonly expoſes one Part of the Species to ſmart and ſuffer by the Wickedneſs of the other; which delivers over the Weak and the Innocent, to the

the Craft or Violence, the Avarice or Fury of the Strong and Diſſolute?

We are apt to deplore the Want of Liberty in the Subjects of arbitrary and deſpotick Governments. But is there a Monarch in the World more inſupportable than thouſands of *private Tyrants* would be found, if they were ſuffer'd at Random to execute the malicious Purpoſes of their Hearts; to domineer, oppreſs, and plunder at Diſcretion? In ſhort, it is an Inſult to the firſt and principal Law of Nature for one Man to pretend a *Right* to do Injury to another; the *Liberty* of the former is *Slavery* to the latter, Slavery in the moſt hateful Senſe of the Word; which is, a *Subjection to the Will, Humour, and Caprice of our Fellow Creatures, and Equals.*

The *Drunkard* raves againſt a Law that deprives him of the *Liberty of the Gin-Shop.* But let it be remembred, that whilſt he was in Poſſeſſion of that bleſſed Prerogative, his innocent Dependants were forced to ſuffer by his conſtant Intemperance; his Wife, and Children were daily Victims to his Folly or Phrenſy; his whole Family abandon'd to Hunger and Nakedneſs; nor has it been uncommon for Pilferings, Robberies, and all Manner of Villanies, to owe their Beginning to thoſe infamous Houſes; from thence to ſally out Mobs and Rioters, Aſſaſſins and Incendaries. Again,

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The *Incontinent* argues that he has a Commiſſion from *Nature*, an indefeaſible *Right*, to perſuade (at leaſt) the feebler Sex (as Fancy leads him) to accept of his Careſſes. But a wiſe Legiſlature would effectually convince him, that Huſbands have alſo a natural Right to their own *Wives*, Parents to their *Children*, the Commonwealth to the Health, Virtue, Labour, and lawfull Procreation of its Members; and that every Perſon who is brought to Sorrow, Shame, Barrenneſs, or Diſeaſe, by another's *Luſt*, is as much injur'd, and as much oppreſſed, as if it was done by his *Ambition*.

What Murmurs might we not expect from great Houſes, and high Places, if a Law was propoſed to reſtrain Mens *Vanity*, from ſpending their Subſtance in magnificent *Buildings*, luxurious *Tables*, and chargeable *Retinues?* And yet the Enjoyment of theſe gaudy *Privileges* moſt commonly ends in wide-ſpreading Scenes of Miſchief and Miſery; in defrauding and diſtreſſing Hirelings and Tradeſmen; in diſſipating the Inheritances of their Fathers, and reducing their Children to Shame and *Servitude*; and finally in ſubjecting their own Perſons to *real Slavery*, (Slavery of the moſt bitter Taſt) the Fear of Creditors, and the Fear of Bayliffs.

With much the ſame Reaſon the lewd Authors, you have been diſcourſing of, demand the *Liberty of the Preſs*; and aſſert their *Right*

Right to publiſh their Notions on what Subject, and in what Style and Language, they think fit. But they ought to be made ſenſible, that the Abuſe of their *own* is a Violation of *other Mens Right*; that fixing a *Stigma* of Reproach or Infamy on a Fellow Subject is playing the *Tyrant* with him; that deluding Men into their Train with Lies and Forgeries, imaginary Terrors, or airy Promiſes, is literally putting a *Yoke* upon their Necks; that every one who ſuffers, (whether in Eſtate, Reputation, or Perſon) for other Mens private Ends, and Intereſts, is made their *Property*.

I know their Plea (for a very ancient one it is) Our *Tongues are our own, who is Lord over us?* I anſwer, their Governors are Lords over their Tongues, as well as their other Members. For 'tis a great Miſtake to think that the *Poſſeſſion can juſtify the Miſuſe*. No Body will deny but their Teeth are *their own*; but they muſt not thence infer a *Licenſe* to bite or devour their weaker Neighbours; nor muſt they inſiſt upon employing their *own Fingers*, at Pleaſure, in picking and ſtealing. In a *ſtrict* Senſe (as Individuals, and as Subjects) we have nothing *our own*; but all our Rights, Acquirements, Faculties, and the very Members of our Bodies, are under the Regulation and Diſpoſition of the Laws; our Properties, Intereſts, Paſſions, and *Wills* are aſſigned over and committed

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as a general *Truſt* to the Direction, and *Uſe* of that civil Society whereof we are Members.

This is the very End, and Eſſence of Society, of Government, of civil Liberty. I ſay true *Liberty* itſelf (either as we are Men or Citizens) conſiſts not in an Enlargement, or Enfranchiſement of our *Wills*; but in the proper Regulation, Confinement, and Subjection of them; in ſtrict Barriers againſt all Inclinations, and Temptations to Wrong; in ſevere Laws to prevent the *doing*, and conſequently the *ſuffering* of Injuries, inconſiſtent with the Happineſs of reaſonable Beings. As a prudent Caution to ſecure ourſelves from external Violence, and a juſt Conſciouſneſs of the Unrulineſs of our own *Wills* and *Affections*, were amongſt the firſt Motives and Cauſes of theſe *ſocial Confederacies*; ſo the better the Laws of any ſuch Society are made to conſiſt, and correſpond with theſe excellent Views, the more perfect is its Conſtitution; for I muſt ſtill repeat it, that this moſt valuable Jewel, *Liberty*, can neither ſhine, nor ſtand, in Miſ-rule and Diſorder; it conſiſts not in a Power to do Evil, or Injury; but directly in the contrary.

Will any Man ſuggeſt that the Omnipotent Creator of the World is not *free*, becauſe he cannot ſin? Or is the King of *Eng-*

land in Servitude (whilſt his Subjects are Freemen) becauſe, by our Laws, he cannot *do Wrong*, or protect thoſe that do it for him? We often hear of very florid Harangues on the Liberty of the *Romans!* But were ever a People leſs ſuffer'd to walk in the Ways of their own Hearts, or leſs impower'd or tolerated to do Ill? Their own Hiſtories tell us, that they were not only under the ſtricteſt Prohibitions of violating their Fellow Citizens in Perſon, Property, Name, Family, or any of their more ſubſtantial Rights; but they were forced to ſubmit to the Diſtinctions of Age, Rank, and Eſtate; to the very *Seats* preſcribed them in publick Aſſemblies, and even to the Faſhion, as well as Materials of the *Clothes* upon their Backs. Again, The Chriſtian Religion is very worthily called the *Law of Liberty*; an *eaſy Yoke*, and a *perfect Freedom!* And yet it is evident, that this Religion conſiſts in the cloſeſt and moſt punctual Reſtraint in the World; in the moſt exact and ſcrupulous, as well as ſevere Injunctions; *To hurt no body by Word or Deed, to love our Neighbours as ourſelves, and to do nothing but what we could be contented ſhould be done to us.*

What Need is there then, for a Society of Chriſtians to trouble themſelves with any *ſecular* Form of Government? What Occaſion of Temporal Laws or Penalties to

People

People pre-ingaged under a more perfect Diſcipline? The Reaſon is plain,—becauſe there are many who will pretend to be Chriſtians, but are not ſo in their Hearts; becauſe there are Multitudes of *Infidels* and *Hypocrites*, that will take Advantage of the Faith and Piety of their conſciencious Neighbours; becauſe there are too great a Number of *worldly* and *ſenſual Perſons*, biaſſed and prejudiced to their own Side of every Queſtion, by Luſt, Intereſt, or Reſentment; fondly over-ſway'd by Paſſion or Appetite, to venture the Loſs of eternal Happineſs for preſent Enjoyments. Let this then ſtand for a Proof of the Neceſſity of calling in human Sanctions as Aids to the Laws of God! But let it be remembred always, that as the Divine Laws are certainly moſt juſt and equitable, moſt wiſe, ſalutary, pure and perfect; ſo *that Perfection* ought to be the Meaſure and Standard of all human Ordinances, the Mark they ſhould aim at, the Pattern they ſhould copy after.

How ridiculous is it then for a Perſon laid under ſo ſtrict Obligations, to claim any ſecular *Licence* to do ill? For any one who is both a *Chriſtian* and a *Subject*, to aſſert a *Liberty* of being injurious in any Caſe whatſoever, is on the one Hand *Apoſtacy*, on the other Hand *Rebellion*: In one View it is a renouncing of the Laws and Authority of *him who did no Sin*; in another it is a Revolt

from the Civil Government. For as the chief End of the Inſtitution of all Legiſlatures is publick *Peace*, and *Protection* from private Inſults and Injuries, ſo it is undoubtedly their Duty, as well as Right, in all Caſes and Cauſes, to tie up the Hands of evil Men, and to confound their Devices; to repair every Breach, to repel every Attack, and to apply a Remedy, as Occaſion ſhall require, to every Diſtemper.

And on what Ground, I pray you, is the Sanctuary to be built for theſe *Scribling Offenders*, you have been diſputing of? You have both admitted them to be horrid Criminals, and worthy of Puniſhment; tho' you differ in the Means of laying it on. *Conſtantius*, in his Zeal, imputes to the *Adminiſtration*, what can only be remedied by the *Legiſlature*; and *Phileleutherus* is ſo enamour'd of his darling *Liberty*, as to be tender of every thing that wears her Dreſs, or aſſumes her Name. But if we would draw a little nearer to the Queſtion, with leſs Haſt and Prejudice, we ſhould not find it ſo very difficult, either to put the Whip in the Right Hand, or the Saddle on the Right Back: It is impoſſible we can be at a Loſs, either for Evidence to convict, or Power to chaſtiſe theſe ſcandalous Impoſtors. For is it not notorious and in every Body's Mouth, that their profeſſed Deſign, their whole Ambition

tion is to vilify Dignities, and diſgrace the Adminiſtration; to diſcredit, depreciate, and expoſe the Common-wealth? Or is it leſs evident, that they are altogether as induſtrious to extirpate the *Principles* of all *Religion*; thereby to deprive their native Country of its greateſt Good, its Comfort and Defence, its Security for Peace, Order, and Juſtice, the Baſis and Pillar on which it ſtands united, and cemented in Society? Can it then be an Injury, or Violation of Liberty, to make Examples of ſuch *Cancers* in the Body-Politick, ſuch Enemies to Mankind? Can the great Legiſlature be diffident of its Authority, or is it conſcious of any Weakneſs? Or are we the only Nation in the whole World, that are ſenſible of our Danger, without Power to make Proviſion for Defence?

The good old *Patriot* here made a Pauſe with a Countenance that ſeemed to expect a Reply, or ſome Objection to what he had offer'd; but after he had found us unanimous in our Complements, with Intimations only that he had concluded too ſoon, and that our Expectations were not fully ſatiſfied——

I perceive (ſaid he, looking on his Watch) the chief Difficulty remaining with you is the *Manner* of Proceeding in this arduous Caſe, the Method of arriving at the good we propoſe,

propoſe, without doing any Injuſtice in our Way. I cannot deny but I have in my Head the *firſt Rudiments* of a Scheme that I fancy might be made effectual for our Purpoſe; but as it requires a little farther Deliberation to bring it to Maturity, and as it draws near the Hour of Repoſe; I ſhall crave your Leave to adjourn the Subject till to morrow Morning, when, if you will be pleaſed to favour me with your Company an Hour before Dinner, I ſhall very cheerfully communicate my Project, and attend your Corrections.

We gladly engaged, and were punctual to our Engagement; and having ſeated ourſelves (after the uſual Salutations) and teſtified our Expectations by a profound Silence, our hoſpitable Friend renewed his Diſcourſe with the following Introduction.

My dear Friends, I find myſelf ingaged in a more difficult Undertaking than I at firſt apprehended. For to acquit myſelf of my Invitation like a Man of Honour, it is incumbent on me to furniſh an Entertainment not only wholeſome and uſefull, but to add ſuch Care in the Cookery and Seaſoning as may render it agreeable to each of your Palates though ſomething different. My Comfort is however, that the Experiment I am to make is in a ſhort Compaſs, and with little Hazard, having the Pleaſure to behold in this ſmall Aſſembly a full Repreſentation

tation of every good and loyal Subject in *Great Brittain:* And as I am premoniſhed, by our Yeſterday's Debate, on one Side to beware of giving Offence to a laudable Zeal for the Conſtitution, and Eſtabliſhment, and on the other to be cautious of offering any thing that may threaten an Invaſion or Diſcountenance of Liberty; I am ſatisfied if it ſhall be my Fortune, or Addreſs, to ſteer ſo exactly betwixt theſe Extreams, as to gain your Approbations, that I ſhall not need to be apprehenſive of Objections from any other Quarter.

Come on then! Let me aſk leave of this little Senate to bring in a Bill for the *Regulation of the Preſs:* In the Preamble whereof let it be firſt obſerved, that great Diſſentions and Differences of Opinion both civil and religious have long ſubſiſted in this Kingdom to its grievous Detriment as well as Diſhonour: That theſe unhappy Differences have been lately improved and blown up (at the Inſtigation of the Devil, and thro' the implacable Malice of evil-minded Men) into the moſt dangerous Feuds and Animoſities betwixt Fellow Subjects, as well as the moſt impious and irreverend Behaviour towards *God* and the *King:* That all theſe Miſchiefs have been chiefly brought forth, fomented, and diſperſed, by the licentious *Abuſe* of the *Preſs*, and the many infamous

Books, Pamphlets, and Papers that have been thence publiſhed, tending directly to the perverting of the Judgments, inflaming the Paſſions, corrupting the Faith, debauching the Morals, and alienating the Affections of his Majeſty's good Poeple —— Wherefore from all theſe Conſiderations be it enacted —

That *whoſoever from, and after the Day of ſhall write, print and publiſh any Book, Pamphlet, Journal, Letter, or any other Paper under what Title ſoever with a wicked and* malicious Intent, *and* Purpoſe to blaſpheme *God, to prophane the Chriſtian Religion, to affront the Perſon, or vilify the* Authority *of the King, or to ſtir up Mutiny, Sedition and Rebellion againſt the Government, as conſtituted and eſtabliſhed by the Laws of the Kingdom, ſhall upon Conviction be ſubject to, and ſuffer ——— the Penalties hereafter to be mentioned.*

I muſt here ſtop a little, to interpoſe againſt the Reſentments of my Friend *Phileleutherus*; who (I ſee by his Frowns) has already taken check, and begins to be jealous for his *beloved Liberty.* I ſee it upon the Tip of his Tongue to object to the Terms *malicious Intent*, and to aſk me haſtily how we ſhall come to a true Knowledge of the *Purpoſes* of Mens Hearts? —— I anſwer by their *Words*, that iſſue or ought to iſſue from that Place —— by the beſt and moſt infallible Evidence

Evidence that can be had, *Words* of their own chooſing, Expreſſions maturely *ſtudied*, *premeditated*, and *written* down to ſignify their Sentiments, Deſigns and Inclinations.

But you'll ſay a Man is not always in Earneſt, or means what he writes —— True, but he muſt know what his *Writings mean*, and what *Senſe* they will convey; and if he will indulge his Wantonneſs in caſting Firebrands and ſporting with Miſchief, he is very worthy to anſwer for the Effects, and pay for his Paſs-time.

Well; but a dubious or equivocal Expreſſion may ſlip into a Sentence through Folly, Ignorance, or Inattention —— Such a Slip may be, but will it not be viſible to an intelligent Reader? Will it not be eaſily explained, excuſed, acquitted? Can it ſignify any Thing out of Conſort with the Reſt; or can it be ever ſuppoſed, either that an honeſt Writer will chooſe a Set of Words, that will admit of no good Conſtruction at all; or that *Judges* of Honour and good Underſtanding will not put the faireſt and moſt candid upon them?

But who knows but Judges may be under an Influence? —— 'Tis poſſible they may, and ſo *may be* Juries, and ſo *may be* Witneſſes in any other criminal and penal Caſe! And are we to ſacrifice the Life of the whole Body, to the *May-be*-detriment of a ſingle Member?

Is no Malefactor to be brought to Judgment till all *Poſſibility* of Error, or Miſapplication of Juſtice, be intirely removed? Muſt we ſuffer the whole Field to be overrun with Tares, and Thiſtles; becauſe it *may* happen that in weeding them out we *may* bruiſe or break down a Branch or two of Corn?

But all Objections of this Nature are no more than Cavils, petulant, and affected. For every Body knows that the general *Drift* and *Deſign* of an Author is as eaſily deſcryed by a Reader of Judgment, as the Situation of a Houſe, or the Aſpect of a Wall. It is impoſſible to be deceived in an Affair ſo obvious, and in ſo clear a Light; and all Danger of Miſtake, or Miſconſtruction, in theſe Caſes, is but a Jeſt and Banter. The Papers complained of will be in the Hands of the Court where the Cauſe is to be tried; the Author, or Printer, will be preſent to interpret and expound upon it, and at full Liberty to produce their former Behaviour, and Character, to vouch for their Principles, and explain their Conduct. A Book or Pamphlet that has no ill Meaning, or no Meaning at all, can do no Harm, and will have none to anſwer for; but when ſuch a ſcandalous Writing is exhibited, as every Reader in the Nation takes in the very *ſame Senſe*, and ſuch as every one (according to his different Taſt) either reliſhes, or nauſeates,

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as an Outrage on *Religion* or a Libel againſt the *Goverment*, it may very ſafely be adjudged to *intend* the Effect it produces; and it is no leſs than an Affront to Truth, Juſtice, and common Senſe, to boggle at the Interpretation, or make any Doubt of the Author's *Malice*.

But after all! is it a Thing ſo new and unprecedented, in an *Engliſh* Court of Judicature, to judge of Mens *Hearts?* What other Means have we to diſtinguiſh Manſlaughter, Accident, or Self-defence, from wilfull Murder? There is very commonly undoubted Evidence of the Fact committed, (both of the Perſon ſlain and the Hand that did it;) but how wide is the Difference of the Verdict and Sentence on the *Motive*, on which it is ſuppoſed to have been done; and how fatal is the Conſequence of the Judgment the Court makes a Shift to form of the inward *Purpoſes* of the Party accuſed?

We have the ſame Sort of Inqueſt in a Tryal on the Statute againſt *Maiming*, or *Mutilating*; as alſo on the later Act for puniſhing the *Receivers of ſtoln Goods*; when the Sole hinge of the Criminal's Fate turns on the ſuppoſed Diſpoſition of his *Mind* in Commiſſion of the Fact. How often might the Phyſician very reaſonably apprehend the ſame ſhameful Exit with the Poiſoner were he not admitted to excuſe the Similitude of

Practice by the Difference of *Intention?* In ſhort there is no other ſure Teſt of Guilt or Innocence in the common and ordinary Tranſactions of Life, and in a thouſand Offences that muſt every Day happen both publick and perſonal.

Let the ſame Meaſure then be meted to the Criminals before us. They appear to be Publiſhers of Books or Pamphlets, injurious to *Peace*, corruptive of *Morals*, and pernicious to the *Commonwealth*. The Fact is evident, and the Malice, as in other Caſes of the like Nature, implyed in the *Effect*. I deſire then to be informed upon what Grounds ſuch a Perſon may expect the Connivance of the Goverment more than other Offenders? Is it becauſe his Sin is of leſs Malignity, or leſs direful Conſequence? Does it grow out of better Soil, or bear better Fruit? Are there Things in the World ſo much to be dreaded by a civil Society as Atheiſm, and Rebellion; or is there a Creature ſo deteſtable, and unpityable, as the Promoters of them?

However, be their Demerits never ſo notorious, I am for affording them a fair, the faireſt Hearing; nor would I deny them the utmoſt Indulgence, that can be demanded by their moſt ſanguine Advocates. As their Cauſe requires a more curious Inſpection, I would not ſubject their Fortunes or Liber-

ties

ties to the ordinary Trial by *Judge* and *Jury*; leſt the one, in ſuch Caſes, ſhould be ſuſpected of Influence, or the other of Ignorance. It may be feared that a Judge will have ſometimes an Eye to that Hand from whence he has his *Patent*; and a plain Jury of Freeholders may happen not to be ſo well verſed in the Arts of Compoſition, and Figures of Rhetorick, as to be able to trace out the exact Meaning of theſe myſterious Writers, through all their Innuendo's, and double Entendre's. Men, whoſe Occupation is trade or Husbandry, cannot be ſuppoſed to be acquainted with the *Cant Words*, *Exotick Phraſes*, *Jibes*, *Ironies*, *Nicknames* and *Metaphors*, in uſe among the Factors of Treaſon and Blaſphemy; all which, to Men of Education, and Knowledge of the World, are nevertheleſs as plain and intelligible as the moſt ſimple Propoſition. We are therefore to obviate every Objection, to guard as well againſt theſe Authors Hopes, as their Fears of being miſunderſtood; and to provide them with *Judges* that cannot be ſuſpected either of Inability or Partiality; Judges, whoſe Sentence will be look'd on by every one, as the Senſe of the Nation, and the Voice of Mankind.

But before I proceed to erect a Court ſo high and ſo tremendous, the Reſpect I owe to my Friend *Philoleutherus*, obliges me to bar every

every Avenue to Oppreſſion, or Abuſe of Power, by interpoſing two or three juſt and popular Proviſo's to my *Act*.

I don't ſee (ſaid *Conſtantius)* ſo great Occaſion of Proviſo's or Reſtrictions to your intended Law, as to inlarge its Power and the Sphere of its Activity; and I could heartily wiſh you had ſo worded it, that not only the Prophane and Seditious, but alſo all *lewd*, *ſmutty*, and *obſcene Writers*, ſhould be underſtood to be Offenders againſt it. For the luſcious Entertainments of ſuch laſcivious Scribblers, are not only calculated to heat and intoxicate the Imaginations of Youth, and to fire them with falſe romantick Notions of Love, Gallantry, and looſe Enjoyments; but they are frequent Introductions to more general, fatal, and incurable Diſorders. For as their Lewdneſs extinguiſhes the Notions of *Morality*, diſarms them of a rational *Shame* and *Modeſty*, diſtreſſes them in their Credit and worldly Intereſts, and ſets them at Variance with God's Commands, it muſt naturally diſpoſe them to a favourable Hearing of ſuch ungodly Tutors, as affect to teach them to caſt off all theſe Fears and Terrors, which are inſeparable from a *Faith* without Obedience; nor will thoſe, who by a riotous and vicious Courſe of Life, have waſted or ſquander'd their Stake in the Common-wealth, be very careful to defend it.

I am

I am obliged to you (returned *Neſtor*) for your ſeaſonable Admonition, and readily accept it as an *Amendment* to my Bill. For thoſe publick Panders, thoſe theatrical Merchants of Luſt and Impurity, thoſe forenſick Detailers of contagious Poiſon in printed Packets, are not only of very evil Conſequence, but have really the leaſt Excuſe for their Practices; not ſo much as a Pretence of vindicating their *Property*, their *Liberty* or their *Conſcience*; not the bare, the threadbare Pretext of *reforming* the World, of propagating Truth, or advancing a Party. Let them go then along with their Brethren to the *Houſe of Correction!* And tho' there may be ſome Difficulty in fixing the Bounds, and preciſely determining what Words written, or Ideas raiſed, ſhall, or ſhall not, be underſtood to be a Breach of the Law, and to incur the Penalty; yet I make no doubt but every Objection of this Nature will be eaſily yielded up, when you come to underſtand the great and unchallengeable Sufficiency of my *Judges.*

We all anſwer'd, that we longed to be acquainted with them, but were contented however, according to his own Method, to attend to his Proviſoe's.

Firſt then (reſumed *Neſtor*) let it be always provided (any thing in this Act to the contrary notwithſtanding) That *it ſhall and may*

may be lawful for all Perſons whatſoever, who think they ſuffer for Righteouſneſs Sake, or who labour under any legal Diſqualifications, either Civil or Religious, at all Times to write, and make publick the very beſt of their Arguments in Defence of their Schemes or Opinions: Only obſerving this one Condition indiſpenſable, that all ſuch Defences be written in a Manner ſerious *and* decent, *without taking the Liberty of* Lies *and* Defamations, *without any witty Affectations of* Profaneneſs, *or any* Seditious *Reflections.*

I think myſelf obliged to accede to a Proviſo of this Nature, becauſe every Man ſeems to have a *natural Right*, (and that unalienable by any civil Contract) not only to ſerve God, *according to his Conſcience*, but likewiſe to do his beſt by *fair Argumentation* to clear himſelf of the Imputations of Perverſeneſs, Folly or Phrenzy, which may be probably caſt on him by the Profeſſors of contrary and prevailing Opinions. Nor can I look on the *Eſtabliſhment*, as in the leaſt Danger of being over-turned by this Means; eſpecially ſince (as my Neighbour has obſerved) we have ſo potent a Body of Clergy, and of Stateſmen, to *watch over* and *defend* it. But ſtill, as I have ſaid, the Battle ſhould be decided in open Field, and with fair Weapons; without falſe Colours, Mines, or Ambuſcades; without poiſoned Arrows, Lies, and

and Calumnies; without prophane Scoffing, Banter, and Traveſtie.

They have, indeed, been inſtructed by a Right Honourable Joker, that theſe laſt are laudable Weapons in a Diſpute; that *Truth* and *Wit can never be at Variance*; that *Doctrines founded on right Reaſon, ought not to ſtand in Fear of Ridicule.* Theſe Poſitions would have had ſome Senſe in them, if his *Honour* had firſt been pleaſed to demonſtrate that every Reader is capable of *Reaſoning*, who is capable of *Laughing*. But are there not thouſands, many thouſands, that take themſelves to be fine Gentlemen, and great *Wits*, who have not *Heads* to comprehend the Scope of ſolid Argumentation, or Eyes to ſee farther than the bare Surface and Appearance of Things; and is it not more agreeable to their Shallowneſs and Softneſs, to *reject* with Raillery, than to *believe* with Trembling? It is no Wonder then, that when the Bait is ſuited to the Taſte, and to the Opticks of ſuch gaping Gudgeons, they ſo greedily bite at the deluding Phantom; but it is a Wonder and a Prodigy, that a *wiſe Legiſlature* will ſuffer the Impoſture; that Rulers and Governors of a Chriſtian Society will per-

mit their People to be faſcinated and corrupted by deceitful Sounds, and falſe Repreſentations; that diſſolute Rakes, Infidels, and Traytors ſhall enjoy the *Liberty* to dreſs up the Principles of *everlaſting Truth* in the vile Habiliments of Madneſs or Miſery, to expoſe to the mockery of grinning Fools, the moſt ſolemn and ſacred Things in the World, to teach every pert Boy, and pragmatical Coxcomb, to ſet up his Laugh at Virtue and Religion, his King and his Creator.

With what a general Hiſſing and Indignation of the Spectators would the Theatre reſound, if a *Cato* or *Socrates* were introduced on the Stage in a Fool's Cap, or riding on an Hobby Horſe? Not that ſuch a Frolick could diſgrace or depreciate the Heroes themſelves; but it would tend to invalidate the Authority of their Examples, to leſſen Mens Eſteem and Emulation of their Virtues, and would appear at firſt ſight ſo abſurd and monſtrous, ſo contrary to the Nature and Fitneſs of Things, and ſuch an Affront to Truth, Juſtice and Morality, that every Creature, who has any Pretence to Reaſon or Humanity, would reſent and explode it.—Is a Practice then, that would be ſo infamous

famous on the Stage, to be tolerated in Life? Is the *God* of the Univerſe to be handled with leſs Reverence than a *Roman* Senator, or *Greek* Philoſopher? Or ſhall a Prince or Governor, whoſe Exiſtence is real, be treated with Inſolence that dares not be attempted on a fictitious Hero? Are the Laws of the Eternal, and Immutable Jehovah to be toſs'd and play'd with in Burleſque and Traveſtie? Or are thoſe Guides and Governors, Civil or Eccleſiaſtick, (to whom, by every Ordinance both Divine and Human, we are obliged to do Honour, and to ſubmit ourſelves) are they to be diſguiſed with the Viſards of Knaves or Idiots; are they to be painted in ſuch Colours or Poſtures, as will deprive them of their Authority, and Ability to do good; are they to be exhibited to the very Multitudes they are to govern, as the Objects of their Deriſion?

The Trains of Attendants, the Robes of Diſtinction, the Inſtruments or Emblems of Power and Juſtice, and other Ceremonials conſtantly made uſe of as Enſigns of Authority in all Ages and Countries, had no other Uſe but to beget an awful *Reſpect* and *Veneration* in the Minds of the Beholders; and are there-

fore a Demonſtration of the general *Conſent* of all Mankind, that ſuch awful Veneration is of great Moment, and even eſſential to the publick Peace and Utility. Is there then ſome freſh Light ſprung up peculiar to this Age, and Corner of the World? Is there at laſt a total Revolution in the eſtabliſhed Maxims of Reaſon and Experience? Is there ſome new-born Privilege to theſe *Momus's*, that they aſſume a Power to break all Meaſures with Decency, and Sincerity; that they lay claim to a Patent for Evil-ſpeaking, Lying and Slandering; for turning the Grace of God into Laſciviouſneſs, for deſpiſing Dominions, and over-turning the Ordinances of God and Man? I appeal to any one of the plaineſt Underſtanding (who has the leaſt Notion of Authority or Government) whether any Subject (either National or Domeſtick) will continue to pay an outward *Obedience* without an inward *Reverence*; whether the Reſpect ſhewn to the Injunctions of Superiors, will not always be proportioned to the Eſteem of their Perſons? There is nothing more evident than that a *Contempt of God's Attributes is a Repeal of his Commands*; that raiſing Reproaches againſt a lawful Prince,

Prince, is ſapping his Throne, and, in ſome ſort, vacating his Title; that inſtructing his Subjects to deſpiſe and ridicule him, is effectually to ſound the Trumpet againſt him. Let it be conſidered then, by thoſe whom it more immediately concerns, how far this *Liberty* of *falſe Tongues* ſhould be publickly indulged.—For my part, I ſhall ever be of Opinion, that they ought to be reſtrained within the Bounds of *Decency*. Let them, in God's Name, be perfectly *free* to defend their *Opinions*; but let them do it as Subjects, and as reaſonable Beings; and let not the pretended *Liberty* of Individuals be the ruin of the whole Society.

A *ſecond* Proviſo I ſhould wiſh to be inſerted is, That *it ſhall be lawful for all, and all Manner of Perſons, who ſhall come to the Knowledge of any certain Act of Male-Adminiſtration, either by Violence, Bribery, Miſapplication of publick Treaſure, or any other Crime of a National and Political Concern, whether in Magiſtrates, Judges, Counſellors, Treaſurers, or any other Officer or Miniſter of Church or State, freely and ſecurely to make full and open Publication*

of

of the ſame; always remembring this one fair Condition, That the Delator of the Fact be able to PROVE IT. The Juſtice and Expediency of this ſecond Proviſo, will eaſily appear upon a little due Reflection. For as, on the one Hand, there is hardly a Perſon that will juſtify an *Auther* that lays claim to a *Right* of indulging his Imagination in forging *Slanders* and *falſe Accuſations*; ſo, on the other, it is viſibly for the good of the Commonwealth, that all Miſdemeanors of ſo high a Nature, ſhould be detected and prevented. Nay, it is much for the Honour and Reputation of Miniſters themſelves, to make ſuch a *Challenge.* For when their profeſſed Enemies are ſecured of a Protection, and ſafe Conduct by Law to open boldly, and to make good their Charges, of courſe they will be taken for upright and innocent, before they are *particularly*, and *ſpecially accuſed.* By this Means all thoſe private Whiſpers, ſly Reflections, and Intimations of ſecret Intelligence (that are the Nurſeries of Calumny) will loſe their Credit, and fall into Diſgrace; being diveſted of the pretexts of *Fear* and *Caution*, ſo often pretended by the *Oppoſers* of Power, and

Defamers

Defamers of *great Men.* Innocence is never afraid of the Light, nor will it baſely accept the ungenerous Aids of Darkneſs or Secrecy. As thoſe Doctrines are always ſuſpicious, that lurk behind the Ramparts of *Inquiſition* or *Baſtile*, ſo that *great Man* muſt have a very narrow Soul, who condeſcends to an Action he is afraid to hear of.

Thirdly, I would offer a yet farther Incouragement to Truth and Liberty, by adding a Proviſo, that *no Man ſhould incur the leaſt Penalty, or Cenſure for printing and publiſhing true Copies of the Speeches made by our Repreſentatives in Parliament.* I ſpeak this with the utmoſt Submiſſion for fear it ſhould happen to be inconſiſtent with the Orders of the *Houſe.* But can any Thing in the World be more juſt and reaſonable, than that *Engliſh* Men ſhould know the Sentiments and Conduct of their own Delegates, to whom they have committed, and may probably be again invited to commit their Lives and Fortunes? The Pretence of keeping the *Secrets* of Debates is a perfect Chimæra! For it is moſt apparent that nothing can poſſibly be ſaid, or done in an Aſſembly ſo numerous, and ſo much divided; but it is divulged,

vulged, and tranſmitted to every Court of Europe. Natives gloſs and mangle it, Foreigners deſcant upon it, Enemies balance it in their Councils, Spies and Traytors vamp and varniſh it; whilſt we in the Country (tho' chiefly concerned) are the only Perſons in Doubt, and Uncertainty; obliged to rely on the Rumours of the Vulgar, or the Whiſpers of the Intereſted, for an Intelligence that imports the Peace, and Welfare of ourſelves and our Poſterity. 'Tis true, we have often from our common *News-writers* a Sample of Speeches (abſtracted or compounded, epitomiſed or paraphras'd) under the *Cover* of *fictitious, or foreign Names.* But as theſe *Covers* intirely releaſe them from all Obligations to *Truth* or Fidelity; ſo the Fellows themſelves being affected *Partiſans* and conceited of their great Abilities in Declamation, we can only expect them to introduce their ſeveral *Patriots*, or their *Patrons*, to give Grace and Dignity to their *own* Politicks, or Eſſays at Rhetorick. This Labyrinth of Deluſion is ſtill the more puzling for any Information we are able to obtain from the *Speakers* themſelves. For how eaſily may a Gentleman come down into the Country, and aſſume

to

to himſelf the Credit of any *ſhrewd Saying*, or *popular Vote*; and at the ſame Time impute to his *Competitor* the Blame of any Thing, that has given *Offence?* Nay can we be aſſured that not *One* will be found, that was (if he is to be believed himſelf) on *both* Sides of the Queſtion, according to the *Taſte* of his ſeveral *Electors?* Has there never been a *Perſon* that has cajoled the *Clergy* with his ſtaunch Orthodoxy, and Zeal for the *Eſtabliſhment*, and the next Hour privately wheedled the importunate Diſſenters with Hopes of a Deliverance from *Impoſition* and *Prieſt-Craft?* ——— So that this Prohibition of publiſhing genuine Speeches ſeems to me univerſally diſcommodious. It opens a Field for Lying and Invectives, Faction and Revenge; it expoſes the *Honourable* to Miſrepreſentations, and honeſt People to Deluſion; it furniſhes Opportunities of detracting from the Praiſes of the truly Meritorious, and ſerves for an Umbrello to Pretenders and Hypocrites; it hinders good Subjects from making the moſt prudent Choice of *Repreſentatives*; and to ſay the Truth, has been the frequent Occaſion of putting Tricks and *Bites* upon foreign *Potentates*. I confeſs I could eaſily excuſe

the deceiving the Enemies of our Country were it not that they are hereby incou-raged to look on our ſilly Diviſions thro' magnifying Glaſſes, to gape for Inſurrections, and to meditate Invaſions; and conſequently, to ſubject us to the perpetual Burden of *Guards and Garriſons, ſtanding Armies, Taxes, and Exciſes.*

The good old Gentleman here made a Pauſe; but obſerving us all to turn our Eyes on him in Expectation of further Satisfaction, he thus went on.

I am conſcious of my Promiſe to ſhew you that it is poſſible a *Tribunal* may be erected for putting my imaginary Law in Execution, and ſuch a Tribunal as can not be objected to with the leaſt Colour of Reaſon. But as it has been my Fortune to be little converſant in Courts or Committees, and therefore am not likely to put out of my Hands any Work of this Nature but what will require the File, or the Anvil of ſome better Artiſt; I ſhall make no Delay to communicate my Scheme *(rough as it is)* without any curious Regard to Forms, or Phraſes, proper to be made uſe of on ſuch Occaſions.

My

My *Propoſal in groſs* is, that in the ſame *Act*, and by the ſame *Authority*, a *high, and honourable Court be conſtituted with full, abſolute*, and *final Power to convene, try, and paſs Sentence on the Criminals above.* The Commiſſioners of this Court to be both *Judges and Jury*, all equal in Vote and Authority with a Chairman, or Preſident of their own Body, and of their own Chuſing. The Perſons I propoſe to conſiſt chiefly of a Detachment from the Houſe of Commons; (to which may be added ſuch a Number of the Lords Spiritual and Temporal as ſhall be thought proper) and to remove as far as poſſible all Exception, and every Suſpicion of Party or Influence; and that every *Act* of this honourable Bench may be repreſentatively the *Act of the whole Nation*, let *one* be choſen out of the *two Knights* for every Shire or County, as alſo one for the City of *London*, and for each *Univerſity*; and that the Intereſts of the Crown may not ſeem to be neglected, I think it very fit the *Nomination* ſhould be in the *King*. The *Proſecutors* may be the *Solicitor* or *Attorney-General* in Behalf of the Government, and either the *Prolocutor* of the lower Houſe of Convocation, or a *Proctor*

of the Arch-biſhop, in Cauſes of Religion. All Proceſs may be ordered to be made in the moſt ſummary Way, (in the Space of two or three Weeks at fartheſt,) during which Time the *Book*, *Paper*, or *Pamphlet* complain'd of, to remain upon the Table for the Peruſal of the Commiſſioners. The Criminals may anſwer in *Perſon* or by *Council*, as ſhall be thought proper; and I make no doubt but (when they are in ſo good Hands) they will be made to anſwer clearly, and directly, without Shuffling or Colluſion. I ſhould wiſh alſo their Debates to be held publickly with the Doors open, and Voices to be given *upon Honour and Conſcience*, and the Majority or Plurality of Votes to be taken for a Verdict. As the *Printer* and the *Author* are both culpable; it is fit the Former ſhould bear the whole, till he has produced the Latter; each to appear the next Court-day (which may be two or three times a Week during the Seſſions of the Parliament only) after a publick Summons in the Gazette, or elſe to be taken for guilty *ex Confeſſo*. The Penalties I would by no Means preſume to dictate; but I fancy a *Fine*, at the Diſcretion of the Judges, may be very ſufficient

cient for the *firſt Offence*; the *ſecond* may very juſtly be *Impriſonment* during the Pleaſure of his *Majeſty*, or *the Court*; but if any one is ſo incorrigible as to venture on a *third*, he deſerves the Work-houſe *durante Vitâ*.

Theſe, my Friends, are the *Outlines* of an Edifice, the finiſhing of which I muſt leave to thoſe who are furniſhed with better Materials. I do not conceive (as I told you before) that any Thing of *Moment* can be objected to it, nor can I believe it will afford the leaſt Occaſion of Complaint or Suſpicion to any *good Chriſtian*, *loyal Subject*, or *honeſt Man*. It ſeems to offer as great Security as human Infirmity is capable of; far greater than can be had under the Toleration of a *Practiſe*, that can never be eſteemed ſalutary to Particulars, whilſt deſtructive of the Whole. It is one of the greateſt Errors in Politicks, to expect any Scheme of Aſſociation or Government, that admits of no *Poſſibility* of Injury in any Caſe whatſoever. As it is abſolutely neceſſary for the Preſervation of Liberty, to commit it to *juſt and equal Laws* under the Protection and Execution of the ſupreme Magiſtrate; ſo no mortal Foreſight is able to provide

provide that ſuch Magiſtrates will *never* be biaſſed by Caprice, or Intereſt; that they will *never* be miſtaken, or miſinformed; that *no* falſe Witneſs ſhall at any Time ariſe, that *no* unlucky Circumſtance, Accident, or Appearance, ſhall ever intervene to oppreſs the Innocent. The only Remedy for ſuch common Evils is for every Society to take the *beſt Precautions* they are able; and thoſe Conſtitutions are always allowed to be moſt wiſely framed; where there is the leaſt Oportunity or Temptation to *do wrong*; where Offenders are brought to the ſtricteſt Judgment with the leaſt Hardſhip or Danger to thoſe that are otherwiſe.

Now all I deſire is, that this *Rule* may be applied to the Caſe before us! That the Authors aud Publiſhers of ſuch pernicious Writings are *Offenders*, (great, flagitious, dangerous Offenders) we all know, confeſs, and complain of. The Miſchief, the publick Miſchief, they do is notorious, and viſible; their Words conſume as doth a *Canker or Gangrene*; they draw away the Hearts of the deluded People from their *King*, and from their *God*; they terrify us with Apprehenſions of univerſal Confuſion and Infidelity, War and Deſolation!

And are not theſe Crimes to be puniſhed by the *Judge*, or can they hope for a *Tryal* more eaſy, equitable, and impartial? Will any one venture to ſay that ſuch a Number of Gentlemen (of the higheſt Quality and Dignity, as well as perſonal Abilities) can poſſibly be miſtaken in the Senſe of an Author of their own Times, and Tongue; or can it be imagined they will combine together to wreſt, and pervert the Words of a Fellow Subject, with the Sacrifice of their own Reputation, and Conſcience? Can the *People* (the whole People of *England)* be afraid of truſting ſo ſmall a Power in Hands to whom they have before committed their Liberties and their Lives; or can it be doubted, that Gentlemen, honoured by the King's *own Nomination*, will ever give Way to a Spirit of *Faction* or *Oppoſition*, ſo as to countenance or excuſe a profligate Incendiary, in affronting his Majeſty, or traducing his Counſels? Again, is there any Difficulty in conſtituting a Commiſſion, that may be executed with the Expence of ſo little Time or Travel; the *Honour* of which will be a Recompence for the Trouble, without burdening the Subject with any new Offices, Salaries,

or

or Penſions? Can a Criminal, convict of making an Attempt on the Vitals of Society, complain of a Puniſhment inferior to that of an ordinary Felon; or can any Puniſhment be thought too ſevere for *incorrigible Traytors*, who will not be inſtructed by a firſt or ſecond Warning, to deſiſt from their Enormities? I ſhall only add, that if a Chamber be choſen adjacent to the *Houſe*, the ſitting of the *Court* will be no Interruption to more important Buſineſs. Nor is there the leaſt Ground for the Apprehenſion of any frequent or extraordinary Fatigue, ſince the *Name* only of a Tribunal ſo Auguſt, will be almoſt ſufficient to fulfill the Purpoſes of its Inſtitution: The very Smell of the Gunpowder will ſerve to ſcare away the garring Animals, and (which is the beſt End of all Penal Laws) an hundred Offences will be ſtifled and prevented to one that will be puniſhed.

Our venerable Moderator here concluded; and we thought ourſelves ſo well edified by his Diſcourſe and his Propoſal, that with unanimous Application we obtained his Permiſſion to communicate it to our Friends. In this Light I take

I take the Liberty to tranſmit this Copy of it to your Honour, and recommend it moſt earneſtly to your mature Deliberation.

The *Requeſt* you have made me, gives me a Sort of *Right* to expoſtulate with you; but I had rather you would expoſtulate with your own Soul!——Whether the Obſervations of my worthy Neighbour, be not juſt and important; whether the Evils complain'd of demand not a Remedy, and whether you, that ſet up for our State-Phyſicians, are not, in Duty bound, to make the Experiment? Let *Conſcience* (pure, unbiaſſed, untainted Conſcience) inſtruct you to determine, whether it is poſſible for a *King* to maintain his Authority for his Peoples Good, as long as they are taught to hate and deſpiſe him, or whether any Government can flouriſh or ſubſiſt without reſtraining thoſe out-law'd abandon'd Renegades, who labour to ſubvert it? Can *Order*, *Juſtice*, *Morality*, *Peace*, or *Society* itſelf be preſerv'd without *Religion*? Is there a *Religion better conducing to theſe noble Purpoſes, than that which is already eſtabliſh'd in the Nation*; or *can this Eſtabliſhment have its Influence on*

Mens Hearts, whilſt it is ſtudiouſly made the Subject of their Ridicule? As ſoon as I ſhall have the Honour to underſtand your Opinion on theſe weighty Queſtions, you ſhall not fail of as plain an Anſwer to your Requeſt. In the mean time, you will excuſe me, if I only conclude

SIR,

Your moſt Humble Servant.



FINIS.